

**Craig R. Berne, OSB #874202**

[craig@hbclawyers.com](mailto:craig@hbclawyers.com)

**Shawn M. Lindsay, OSB #020695**

[shawn@hbclawyers.com](mailto:shawn@hbclawyers.com)

Harris Berne Christensen LLP

5000 Meadows Road, Suite 400

Lake Oswego, OR 97035

Telephone: (503) 968-1475

Fax: (503) 968-2003

Of Attorneys for Defendant

JENNIFER PETERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL ST. JOHN, HUDSON TURMAN,  
SARAH WILLETT, PAIGE KNIGHT and  
BRADLEY CERNOHORSKY,

Plaintiffs,

v.

JENNIFER PETERSON and MATTHEW  
RAMEY, individuals; BARBECUE SHED  
LLC and RIBWORKS LLC, Oregon limited  
liability companies; and HIGHWAY 14  
RIBWORKS LLC and WASHINGTON  
RIBWORKS LLC, Washington limited  
liability companies,

Defendants.

**Case No.**

**NOTICE OF REMOVAL UNDER 28  
U.S.C. § 1441(a) (FEDERAL QUESTION)**

(Multnomah County Circuit Court Case No.  
18CV19805)

TO: The United States District Court for the District of Oregon, Portland Division

AND TO: Plaintiffs Michael St. John, Hudson Turman, Sarah Willett, Paige Knight, and Bradley Cernohorsky, and their attorney of record, Jon M. Egan of Jon M. Egan, PC, and Defendants Matthew Ramey, Barbecue Shed, LLC, Ribworks, LLC, Highway 14 Ribworks, LLC, and Washington Ribworks, LLC, and their attorney of record, George Guyer of Guyer Law:

Defendant Jennifer Peterson hereby provides notice that she is removing this case now pending in the Multnomah County Circuit Court entitled *Michael St. John, et al., v. Jennifer Peterson, et al.*, Case No. 18CV19805 (“the State Court Action”), to the United States District Court for the District of Oregon.

Defendant Jennifer Peterson has not yet received a copy of the Complaint in the State Court Action, so this removal is timely pursuant to 28 U.S.C. § 1446(b)(1). A true and correct copy of the summons and complaint are attached hereto as Exhibit 1 and are by this reference made a part hereof. Attached hereto as Exhibit 2 collectively are true and correct copies of all the other pleadings and orders sent to counsel for Defendant Jennifer Peterson in the State Court Action, though she has not received these herself.

Plaintiffs have alleged, among other things, that Defendants, including Defendant Jennifer Peterson, have violated the Fair Labor Standards Act, 29 U.S.C. §§ 206, 207, and 203(m)(2)(B). The United States District Courts have original jurisdiction for violation of these statutes. 29 U.S.C. § 216(b).

The above-described State Court Action is one which may be removed to this Court by Defendant Jennifer Peterson pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action over which the courts of the United States have original jurisdiction.

Venue is proper in the Portland Division which embraces Multnomah County, where the State Court Action was filed, and from which this case was removed, and Clackamas County, where venue was properly set for the State Court Action. LR 3-2(a)(1), 3-2(b).

Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed promptly with the clerk of the Circuit Court of Multnomah County, Oregon, and Defendant Jennifer Peterson will give written notice thereof to the parties.

Defendant Jennifer Peterson reserves any and all rights to assert any and all defenses to Plaintiffs' complaint, and to amend or supplement this Notice of Removal as necessary.

WHEREFORE, Defendant Jennifer Peterson hereby removes this case from the Circuit Court of Multnomah County, Oregon, where it is now pending, to this Court.

DATED this 11<sup>th</sup> day of September 2018.

**HARRIS BERNE CHRISTENSEN LLP**

By: s/ Craig R. Berne  
Craig R. Berne, OSB #874202  
[craig@hbclawyers.com](mailto:craig@hbclawyers.com)  
Shawn M. Lindsay, OSB #020695  
[shawn@hbclawyers.com](mailto:shawn@hbclawyers.com)  
Of Attorneys for Defendant Jennifer Peterson

Trial Attorney:  
Craig R. Berne, OSB #874202

1  
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
3 FOR THE COUNTY OF MULTNOMAH

4 MICHAEL ST. JOHN, HUDSON  
5 TURMAN, SARAH WILLETT, PAIGE  
6 KNIGHT and BRADLEY CERNOHORSKY,

Case No. 18CV19805  
SUMMONS

Plaintiffs,

vs.

7 JENNIFER PETERSON and MATTHEW  
8 RAMEY, individuals; BARBECUE SHED  
9 LLC and RIBWORKS LLC, Oregon limited  
10 liability companies; and HIGHWAY 14  
RIBWORKS LLC and WASHINGTON  
RIBWORKS LLC, Washington limited  
liability companies,

Defendants.

11  
12 NOTICE TO DEFENDANT:  
13 READ THESE PAPERS  
14 CAREFULLY!

15 You must "appear" in this case or the other side will win automatically. To "appear"  
16 you must file with the court a legal document called a "motion" or "answer." The  
17 "motion" or "answer" must be given to the court clerk or administrator within 30  
days along with the required filing fee. It must be in proper form and have proof of  
service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof  
of service on the plaintiff.

18 If you have questions, you should see an attorney immediately. If you need help in  
19 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service  
online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland  
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

20 DATED this 17<sup>th</sup> day of May, 2018

JON M. EGAN, P.C.

21 

22 Jon M. Egan, OSB #002467  
23 Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

MICHAEL ST. JOHN, HUDSON  
TURMAN, SARAH WILLETT, PAIGE  
KNIGHT and BRADLEY CERNOHORSKY,

Plaintiffs,

vs.

JENNIFER PETERSON and MATTHEW  
RAMEY, individuals; BARBECUE SHED  
LLC and RIBWORKS LLC, Oregon limited  
liability companies; and HIGHWAY 14  
RIBWORKS LLC and WASHINGTON  
RIBWORKS LLC, Washington limited  
liability companies,

Defendants.

Case No.

COMPLAINT

Tort Other

Damages estimated at \$100,000.00

Jury Trial Requested

NOT SUBJECT TO MANDATORY ARBITRATION

Filing fee of \$560 per ORS 21.160(1)(c)

Plaintiffs complain as follows against Jennifer Peterson, Matthew Ramey,  
Barbecue Shed LLC, Ribworks LLC, Highway 14 Ribworks LLC, and Washington  
Ribworks LLC (collectively, "PINE SHED").

**PRELIMINARY STATEMENT**

1.

This is an action under state and federal wage-and-hour and other statutes to  
recover unpaid wages, stolen tips, statutory damages, liquidated damages, and civil  
penalties (and pre- and post-judgment interest thereon), as well as attorney fees,  
costs and disbursements, and nontaxable expenses. Plaintiffs requested their

1 personnel files and time and pay records from PINE SHED prior to this litigation, but  
2 PINE SHED refused to provide them. All allegations herein are therefore made to the  
3 best of plaintiffs' and their counsel's good-faith knowledge, information and belief,  
4 based upon the evidence adduced to date, and plaintiffs reserve the right to amend  
5 their Complaint upon the discovery of additional facts.

## 6 PARTIES

7 2.

8 At all material times, plaintiffs were residents and citizens of the State of Oregon.  
9 Plaintiffs were employees of PINE SHED.

10 3.

11 At all relevant times, Defendant Jennifer Peterson is or was the registered agent  
12 and sole listed member of Barbecue Shed LLC, and the sole listed governor of  
13 Highway 14 Ribworks LLC. At all relevant times, Defendant Matthew Ramey is or  
14 was the registered agent and sole listed member of Ribworks LLC and the sole listed  
15 governor of Washington Ribworks LLC. Defendants, and each of them, do business in  
16 Multnomah County and elsewhere under the unregistered business names Pine Shed,  
17 Pine Shed Ribs, and Pine Shed Ribs and Barbecue, as employers and joint employers  
18 of the plaintiffs, each acting directly and indirectly on behalf of every other  
19 defendant. PINE SHED operates multiple barbecue restaurant locations and also  
20 manufactures and distributes barbecue sauce for retail sale.

## 21 FACTS

22 4.

23 At all material times, PINE SHED deducted 30 minutes from each employee's

1 time every day, even though the employees were never able to take an uninterrupted  
2 30-minute meal break.

3 5.

4 At all material times, PINE SHED larcenously, fraudulently, and by embezzlement  
5 and defalcation, stole all of the tips left by customers, both in cash and by credit card,  
6 for PINE SHED as fiduciary and bailee for distribution to the employees, after  
7 promising each employee at hire that they would receive tips, and after promising  
8 each employee multiple times during their employ that they would in future receive  
9 tips. PINE SHED said that all tips would be pooled and a ranked distribution paid out  
10 to all of the employees. None of the employees knew whether or when those moneys  
11 ever got paid, or to whom. The employees simply had to trust defendants to distribute  
12 the tip money correctly and not take advantage of them. Defendants, and each of  
13 them, were thus in the position of bailor, fiduciary and trustee with regard to those  
14 tip pool funds. The tip pool funds constituted a specific, earmarked fund capable of  
15 identification, held in trust for the beneficiary employees.

16 6.

17 At all material times, PINE SHED often paid plaintiffs nothing at all on payday,  
18 sometimes bounced their paychecks, and sometimes intentionally and fraudulently  
19 wrote false dates on the paychecks to make it seem as if they had been paid on  
20 payday.

21 7.

22 At all material times, PINE SHED operated illegal surveillance equipment on the  
23 property, recording customers' and employees' video and audio without notice or

1 consent.

2 8.

3 At all material times, PINE SHED did not provide employees with pay stubs, on  
4 payday or ever. PINE SHED also failed to provide employees with W-2s by the  
5 required deadline. It was also mandatory that PINE SHED employees work at least  
6 the first two weeks (sometimes longer) under the table.

7 9.

8 At all material times, PINE SHED failed to pay employees for the substantial  
9 travel time between their different store locations.

10 10.

11 At all material times, PINE SHED set up their timekeeping software to prevent  
12 employees from clocking in before or after their scheduled shift times, while  
13 simultaneously requiring, suffering and/or permitting the employees to work during  
14 times in which they were not clocked in.

15 11.

16 Plaintiffs' attorney gave more than 12 days' written prelitigation notice of  
17 nonpayment and notice of this wage claim to PINE SHED on behalf of the plaintiffs,  
18 and each of them. Plaintiffs' attorney also demanded the production of plaintiffs'  
19 personnel files and time and pay records prior to filing this lawsuit. PINE SHED  
20 made no payments and produced no records prelitigation.

21 ///

22 ///

23 ///



1 **FIRST CAUSE OF ACTION**

2 **FLSA Minimum Wage**

3 12.

4 All previous paragraphs are incorporated by reference herein.

5 13.

6 Pursuant to 29 U.S.C. § 206, PINE SHED was required to pay plaintiffs at least  
7 the amount of the federal minimum wage, when those wages were due, but willfully  
8 and maliciously failed to do so.

9 14.

10 Plaintiffs are entitled to collect the difference between their wages received when  
11 due and the federal minimum wages due in an amount to be proven at trial, in  
12 addition to liquidated damages in the same amount, together with attorney fees,  
13 costs, and nontaxable expenses, pursuant to 29 U.S.C. § 216(b).

14 **SECOND CAUSE OF ACTION**

15 **FLSA Overtime**

16 15.

17 All previous paragraphs are incorporated by reference herein.

18 16.

19 Pursuant to 29 U.S.C. § 207, PINE SHED was required to pay plaintiffs at least  
20 one and one half times their regular rate of pay for all hours worked in excess of 40 in  
21 a given workweek, when those wages were due, but willfully and maliciously failed to  
22 do so.

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17.

Plaintiffs are entitled to collect the difference between their wages received when due and the overtime wages due, in an amount to be proven at trial, in addition to liquidated damages in the same amount, together with attorney fees, costs, and nontaxable expenses, pursuant to 29 U.S.C. § 216(b).

**THIRD CAUSE OF ACTION**

**FLSA Tip Theft**

18.

All previous paragraphs are incorporated by reference herein.

19.

Pursuant to 29 U.S.C. § 203(m)(2)(B), PINE SHED was prohibited from keeping tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees' tips, but willfully and maliciously did so anyway.

20.

Plaintiffs are entitled to collect the amount of tips unlawfully stolen from them, in an amount to be proven at trial, in addition to liquidated damages in the same amount, together with attorney fees, costs, and nontaxable expenses, pursuant to 29 U.S.C. § 216(b).

**FOURTH CAUSE OF ACTION**

**Oregon Minimum Wage**

21.

All previous paragraphs are incorporated by reference herein.

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22.

Pursuant to ORS 653.025, PINE SHED was required to pay plaintiffs at least the amount of the applicable Oregon minimum wage, when those wages were due, but willfully and maliciously failed to do so.

23.

Plaintiffs are entitled to collect the difference between the wages received when due and the Oregon minimum wages due in an amount to be proven at trial, together with attorney fees, costs, and nontaxable expenses, as well as pre- and post-judgment interest and the 30 days of statutory penalty wages provided by ORS 653.055 and 652.150.

**FIFTH CAUSE OF ACTION**

**Oregon Overtime**

24.

All previous paragraphs are incorporated by reference herein.

25.

Pursuant to ORS 653.261 and its implementing regulations, PINE SHED was required to pay plaintiffs one and one half times their regular rate of pay for all hours worked in excess of 40 in a given workweek, when those wages were due, but willfully and maliciously failed to do so.

26.

Plaintiffs are entitled to collect the difference between the wages received when due and the overtime wages due in an amount to be proven at trial, together with attorney fees, costs, and nontaxable expenses, as well as pre- and post-judgment

1 interest and the 30 days of statutory penalty wages provided by O.R.S. 653.055 and  
2 652.150.

3 **SIXTH CAUSE OF ACTION**

4 **Wrongful Deductions**

5 27.

6 All previous paragraphs are incorporated by reference herein.

7 28.

8 Pursuant to ORS 652.610, PINE SHED was prohibited from deducting certain  
9 amounts from plaintiffs' paychecks but willfully and maliciously did so.

10 29.

11 Plaintiffs are entitled to (for each violation) the greater of \$200 or actual damages  
12 in an amount to be proven at trial, pursuant to ORS 652.615, together with attorney  
13 fees, costs and pre- and post-judgment interest.

14 **SEVENTH CAUSE OF ACTION**

15 **Unpaid Wages Upon Termination**

16 30.

17 All previous paragraphs are incorporated by reference herein.

18 31.

19 Pursuant to ORS 652.140, PINE SHED was required to pay plaintiffs all earned  
20 and unpaid wages by the statutory deadline upon termination of employment but  
21 willfully and maliciously failed to do so.

22 32.

23 Plaintiffs are entitled to collect all wages remaining due, in an amount to be

1 proven at trial, together with attorney fees and costs, as well as pre- and post-  
2 judgment interest, and the 30 days of statutory penalty wages provided by ORS  
3 652.150.

#### 4 **EIGHTH CAUSE OF ACTION**

##### 5 Unpaid Wages

6 33.

7 All previous paragraphs are incorporated by reference herein.

8 34.

9 Pursuant to ORS 652.120, PINE SHED was required to pay plaintiffs all wages  
10 due, when those wages were due, but willfully and maliciously failed to do so.

11 35.

12 Plaintiffs are entitled to collect the wages due in an amount to be proven at trial,  
13 together with attorney fees and costs per ORS 652.200, as well as pre- and post-  
14 judgment interest.

#### 15 **NINTH CAUSE OF ACTION**

##### 16 Conversion

17 36.

18 All previous paragraphs are incorporated by reference herein.

19 37.

20 By misappropriating the tip funds entrusted to them, defendants exercised  
21 unlawful dominion and control over the property, which completely interfered with  
22 the employees' right to control it, so that defendants may justly be required to repay  
23 the full value of the property. This breach of bailment contract and of trust and of

1 | fiduciary responsibilities qualifies as, and is enforceable as, conversion.

2 | 38.

3 | Plaintiffs are entitled to recover the value of the property tortiously converted, in  
4 | addition to pre- and post-judgment interest and (on motion) punitive damages.

5 | **TENTH CAUSE OF ACTION**

6 | Breach of Contract

7 | 39.

8 | All previous paragraphs are incorporated by reference herein.

9 | 40.

10 | Defendants told plaintiffs upon their hire that they would be paid "minimum  
11 | wage plus tips." The defendants breached that material term of the contract, which  
12 | proximately caused monetary damage to plaintiffs.

13 | 41.

14 | Plaintiffs are therefore entitled to the difference between the tips they received (if  
15 | any) and that which they were promised.

16 | **ELEVENTH CAUSE OF ACTION**

17 | Tortious Breach of Duty of Good Faith and Fair Dealing

18 | 42.

19 | All previous paragraphs are incorporated by reference herein.

20 | 43.

21 | Because the defendants collected all tips and gratuities for the purpose of  
22 | redistributing them, they had a special bailor/fiduciary/trustee relationship with the  
23 | intended recipients, involving a heightened duty of care beyond and independent

1 from that of a simple employment contract. Thus, defendants' intentional action to  
2 deprive plaintiffs of their expected contractual benefits was a tortious breach of the  
3 duty of good faith and fair dealing, and of defendants' fiduciary obligations, which  
4 proximately caused economic and noneconomic damage to plaintiffs.

5 44.

6 Plaintiffs are therefore entitled to economic and noneconomic damages, as well as  
7 pre-judgment interest and (upon motion) punitive damages.

## 8 TWELFTH CAUSE OF ACTION

### 9 Unjust Enrichment

10 45.

11 All previous paragraphs are incorporated by reference herein.

12 46.

13 Defendants have failed to pay to plaintiffs tip money to which they are rightfully  
14 entitled, and defendants have been directly and indirectly unjustly enriched and  
15 benefitted thereby, and equity and good conscience demand that plaintiffs' money be  
16 returned.

17 47.

18 Plaintiffs are entitled to recover in restitution the money unlawfully taken from  
19 them, in an amount to be proven at trial, in addition to pre- and post-judgment  
20 interest.

21 ///

22 ///

23 ///

1 **THIRTEENTH CAUSE OF ACTION**

2 Money Had and Received

3 48.

4 All previous paragraphs are incorporated by reference herein.

5 49.

6 Defendants have failed to pay to plaintiffs tip pool money to which *ex aequo et*  
7 *bono* they are rightfully entitled, and equity and good conscience demand that  
8 plaintiffs' money be returned to them by defendants.

9 50.

10 Plaintiffs are entitled to the money unlawfully withheld from them, in an amount  
11 to be proven at trial, in addition to pre- and post-judgment interest and (on motion)  
12 punitive damages.

13 **FOURTEENTH CAUSE OF ACTION**

14 Accounting

15 51.

16 All previous paragraphs are incorporated by reference herein.

17 52.

18 By collecting all tips and gratuities of all employees for the purpose of  
19 redistributing them according to the agreed-upon formula, defendants became the  
20 bailor, fiduciary and trustee of those funds, holding them in trust for the proper  
21 recipients. As such, defendants owe plaintiffs a duty to render an account showing in  
22 detail the items taken in and expended, when, to whom, and for what purpose, and  
23 that the account rendered and expenditures claimed were correct, just and necessary.



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53.

Plaintiffs are therefore entitled to a full accounting of the tips and gratuities received and/or paid out by defendants, and to an equitable award of any amounts to which such accounting demonstrates that they are entitled.

**FIFTEENTH CAUSE OF ACTION**

**Declaratory Judgment**

54.

All previous paragraphs are incorporated by reference herein.

55.

Plaintiffs are entitled to a declaratory judgment declaring defendants' violations as outlined above.

**SIXTEENTH CAUSE OF ACTION**

**Doing Business Under an Unregistered Name**

56.

All previous paragraphs are incorporated by reference herein.

57.

PINE SHED conducted, carried on and transacted business in Oregon under the assumed business name "Pine Shed," "Pine Shed Ribs," "Pine Shed Ribs and Barbecue," and/or other variations thereon, when those names were not registered with the Oregon Secretary of State. This litigation arises out of those activities.

58.

Plaintiffs are entitled to recover \$500 or actual damages in addition to attorney fees, per ORS 648.135(2).

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**JURY TRIAL DEMAND**

59.

Plaintiffs demand a jury trial on all claims and issues to the extent allowed under the law.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiffs request that the Court award such damages as set forth above and in amounts to be proven at trial; award them attorney fees, costs and expenses of suit; order defendants to pay pre-judgment and post-judgment interest on all amounts due to plaintiffs as a result of the claims; declare defendants' violations as enumerated above; and order such further or alternative relief as the Court deems appropriate.

DATED this 16<sup>th</sup> day of May, 2018

JON M. EGAN, P.C.

*s/ Jon M. Egan*

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Jon M. Egan, OSB #002467  
Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

FILED  
2018 JUL 29  
JUDICIAL DIST.

MICHAEL ST. JOHN, HUDSON  
TURMAN, SARAH WILLET, PAIGE  
KNIGHT and BRADLEY CERNOHORSKY,

Plaintiffs,

vs.

JENNIFER PETERSON and MATTHEW  
RAMEY, individuals; BARBECUE SHED  
LLC and RIBWORKS LLC, Oregon limited  
liability companies; and HIGHWAY 14  
RIBWORKS LLC and WASHINGTON  
RIBWORKS LLC, Washington limited  
liability companies,

Defendants.

Case No. 18CV19805

ORDER GRANTING LEAVE OF COURT  
TO SERVE DEFENDANT JENNIFER  
PETERSON BY ALTERNATIVE MEANS

Plaintiff's counsel having appeared before the Court and supported plaintiff's motion by Declaration, and the Court being advised of all pertinent premises, the Court hereby FINDS that plaintiff has shown that service cannot be made by any method otherwise specified in the Oregon Rules of Civil Procedure or other rule or statute, and the Court in its discretion hereby ORDERS pursuant to ORCP 7 D(6)(a) that service on defendant Jennifer Peterson be made by the following method, which under the circumstances is most reasonably calculated to apprise Ms. Peterson of the existence and pendency of the action:

Via Certified Mail Restricted Delivery, in addition to regular first-class mail, to each of the following addresses:

- 16470 Phantom Bluff Ct., Lake Oswego, OR 97034



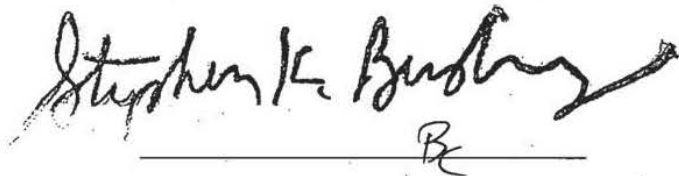
- 1 • 17730 Pilkington Rd., Lake Oswego, OR 97035
- 2 • 1780 Barnes Blvd. SW, Tumwater, WA 98512
- 3 • 9982 SE French Acres Dr., Happy Valley, OR 97086
- 4 • 14631 SE Winton Street, Prineville, OR 97754

5 And by regular first-class mail to:

- 6 • c/o attorney Shawn M. Lindsay, 5000 Meadows Rd., Ste. 400, Lake Oswego,  
OR 97035
- 7 • c/o attorney Theodore J. Piteo, 12909 SW 68th Parkway, Suite 160, Portland,  
8 OR 97223

9 It is further ORDERED that the deadline for Ms. Peterson to appear in this case shall  
10 be 33 days from the date of mailing.

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12  
13 JUL 30 2018

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CERTIFICATE OF READINESS:

This proposed order or judgment is ready for judicial signature because:

1. ☐ Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. ☐ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order or judgment on each party entitled to service and:
  - a. ☐ No objection has been served on me.
  - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c. ☐ After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
4. ☒ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
5. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
6. ☐ Other: \_\_\_\_\_

DATED this 30<sup>th</sup> day of July, 2018

JON M. EGAN, P.C.

*s/ Jon M. Egan*

\_\_\_\_\_  
Jon M. Egan, OSB #002467  
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

MICHAEL ST. JOHN, HUDSON TURMAN,  
SARAH WILLETT, PAIGE KNIGHT and  
BRADLEY CERNOHORSKY,

Plaintiffs,

v.

JENNIFER PETERSON and MATTHEW  
RAMEY, individuals; BARBECUE SHED, LLC  
and RIBWORKS, LLC, Oregon limited liability  
companies; and HIGHWAY 14 RIBWORKS,  
LLC and WASHINGTON RIBWORKS, LLC,  
Washington limited liability companies,

Defendants.

Case No.: 18CV19805

**ANSWER, AFFIRMATIVE DEFENSES,  
COUNTERCLAIMS,  
AND CROSS CLAIMS**

(Not subject to mandatory arbitration)

**Filing Fee: \$265.00 (ORS 21.135(1))**

Defendants MATTHEW RAMEY, BARBECUE SHED, LLC, RIBWORKS, LLC,  
HIGHWAY 14 RIBWORKS, LLC and WASHINGTON RIBWORKS, LLC (together the "Ramey  
Defendants") answer the Complaint of MICHAEL ST. JOHN, HUDSON TURMAN, SARAH  
WILLETT, PAIGE KNIGHT and BRADLEY CERNOHORSKY ("Plaintiffs") as follows:

**ANSWER TO FIRST CLAIM FOR RELIEF**

**(Trespass as to Johnson)**

1.

As to Paragraph 1, the Ramey Defendants lack sufficient information to admit or deny the  
scope or description of Plaintiff's preliminary statement, and therefore deny the same.



**GUYER  
LAW**

The Waterstone Building  
5895 Jean Road • Lake Oswego, Oregon 97035-5303  
503.697.1035 phone • 503.697.1045 fax • www.guyer.law

2.

As to Paragraph 2, the Ramey Defendants lack sufficient information to admit or deny the Plaintiff's residency and citizenship, and therefore deny the same.

Defendant BARBECUE SHED, LLC, (Oregon Secretary of State Corporation Division Registry Number 627223-93 and formerly known as RIBWORKS, LLC), admits that Plaintiffs were employees of BARBECUE SHED, LLC.

The Ramey Defendants deny the remaining allegations of Paragraph 2.

3.

As to Paragraph 3, The Ramey Defendants admit that at all relevant times, Defendant JENNIFER PETERSON was the registered agent and sole listed member of Defendant BARBECUE SHED, LLC, and the sole listed governor of HIGHWAY 14 RIBWORKS, LLC.

The Ramey Defendants admit that at all relevant times Defendant Matthew Ramey was the registered agent and sole listed member of RIBWORKS, LLC (Oregon Secretary of State Corporation Division Registry Number 1408488-96) and the sole listed governor of Washington Ribworks, LLC.

Defendant BARBECUE SHED, LLC, (Oregon Secretary of State Corporation Division Registry Number 627223-93 and formerly known as RIBWORKS, LLC) admits that it operates a barbecue restaurant in Lake Oswego, Clackamas County, Oregon under the assumed business name PINE SHED RIBS AND BARBECUE.

Defendant HIGHWAY 14 RIBWORKS, LLC admits that it operates a barbecue restaurant located in Bingen, Klickitat County, Washington under the assumed business name PINE SHED RIBS AND BARBECUE.

The Ramey Defendants deny the remaining allegations of Paragraph 3.

4.

As to Paragraph 4, the Ramey Defendants deny the allegations of Paragraph 4.



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5.

As to Paragraph 5, the Ramey Defendants deny the allegations of Paragraph 5.

6.

As to Paragraph 6, the Ramey Defendants deny the allegations of Paragraph 6.

7.

As to Paragraph 7, the Ramey Defendants deny the allegations of Paragraph 7.

8.

As to Paragraph 8, the Ramey Defendants deny the allegations of Paragraph 8.

9.

As to Paragraph 9, the Ramey Defendants deny the allegations of Paragraph 9.

10.

As to Paragraph 10, the Ramey Defendants deny the allegations of Paragraph 10.

11.

As to Paragraph 11, the Ramey Defendants deny the allegations of Paragraph 11.

## ANSWER TO FIRST CAUSE OF ACTION

### (FLSA Minimum Wage)

12.

As to Paragraph 12, the Ramey Defendants repeat and reaffirm the admissions and denials pleaded in Paragraphs 1 through 11 of this Answer.

13.

As to Paragraph 13, the Ramey Defendants deny the allegations of Paragraph 13.

14.

As to Paragraph 14, the Ramey Defendants deny the allegations of Paragraph 14.



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1                                   **ANSWER TO SECOND CAUSE OF ACTION**

2   **(FLSA Overtime)**

3   15.

4                   As to Paragraph 15, the Ramey Defendants repeat and reaffirm the admissions and denials  
5 pleaded in Paragraphs 1 through 14 of this Answer.

6   16.

7                   As to Paragraph 16, the Ramey Defendants deny the allegations of Paragraph 16.

8   17.

9                   As to Paragraph 17, the Ramey Defendants deny the allegations of Paragraph 17.

10                                   **ANSWER TO THIRD CAUSE OF ACTION**

11   **(FLSA Tip Theft)**

12   18.

13                   As to Paragraph 18, the Ramey Defendants repeat and reaffirm the admissions and denials  
14 pleaded in Paragraphs 1 through 17 of this Answer.

15   19.

16                   As to Paragraph 19, the Ramey Defendants deny the allegations of Paragraph 19.

17   20.

18                   As to Paragraph 20, the Ramey Defendants deny the allegations of Paragraph 20.

19                                   **ANSWER TO FOURTH CAUSE OF ACTION**

20   **(Oregon Minimum Wage)**

21   21.

22                   As to Paragraph 21, the Ramey Defendants repeat and reaffirm the admissions and denials  
23 pleaded in Paragraphs 1 through 20 of this Answer.

24   22.

25                   As to Paragraph 22, the Ramey Defendants deny the allegations of Paragraph 22.



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23.

As to Paragraph 23, the Ramey Defendants deny the allegations of Paragraph 23.

**ANSWER TO FIFTH CAUSE OF ACTION**  
**(Oregon Overtime)**

24.

As to Paragraph 24, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 23 of this Answer.

25.

As to Paragraph 25, the Ramey Defendants deny the allegations of Paragraph 25.

26.

As to Paragraph 26, the Ramey Defendants deny the allegations of Paragraph 26.

**ANSWER TO SIXTH CAUSE OF ACTION**  
**(Wrongful Deductions)**

27.

As to Paragraph 27, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 26 of this Answer.

28.

As to Paragraph 28, the Ramey Defendants deny the allegations of Paragraph 28.

29.

As to Paragraph 29, the Ramey Defendants deny the allegations of Paragraph 29.

**ANSWER TO SEVENTH CAUSE OF ACTION**  
**(Unpaid Wages Upon Termination)**

30.

As to Paragraph 30, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 29 of this Answer.



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31.

As to Paragraph 31, the Ramey Defendants deny the allegations of Paragraph 31.

32.

As to Paragraph 32, the Ramey Defendants deny the allegations of Paragraph 32.

**ANSWER TO EIGHTH CAUSE OF ACTION**  
**(Unpaid Wages)**

33.

As to Paragraph 33, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 32 of this Answer.

34.

As to Paragraph 34, the Ramey Defendants deny the allegations of Paragraph 34.

35.

As to Paragraph 35, the Ramey Defendants deny the allegations of Paragraph 35.

**ANSWER TO NINTH CAUSE OF ACTION**  
**(Conversion)**

33.

As to Paragraph 36, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 35 of this Answer.

37.

As to Paragraph 37, the Ramey Defendants deny the allegations of Paragraph 37.

38.

As to Paragraph 38, the Ramey Defendants deny the allegations of Paragraph 38.



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47.

As to Paragraph 47, the Ramey Defendants deny the allegations of Paragraph 47.

**ANSWER TO THIRTEENTH CAUSE OF ACTION**  
**(Money Had and Received)**

48.

As to Paragraph 48, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 47 of this Answer.

49.

As to Paragraph 49, the Ramey Defendants deny the allegations of Paragraph 49.

50.

As to Paragraph 50, the Ramey Defendants deny the allegations of Paragraph 50.

**ANSWER TO FOURTEENTH CAUSE OF ACTION**  
**(Accounting)**

51.

As to Paragraph 51, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 50 of this Answer.

52.

As to Paragraph 52, the Ramey Defendants deny the allegations of Paragraph 52.

53.

As to Paragraph 53, the Ramey Defendants deny the allegations of Paragraph 53.

**ANSWER TO FIFTEENTH CAUSE OF ACTION**  
**(Declaratory Judgment)**

51.

As to Paragraph 54, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 53 of this Answer.

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55.

As to Paragraph 55, the Ramey Defendants deny the allegations of Paragraph 55.

**ANSWER TO SIXTEENTH CAUSE OF ACTION  
(Doing Business Under an Unregistered Name)**

56.

As to Paragraph 56, the Ramey Defendants repeat and reaffirm the admissions and denials  
pleaded in Paragraphs 1 through 55 of this Answer.

57.

As to Paragraph 57, the Ramey Defendants deny the allegations of Paragraph 57.

58.

As to Paragraph 58, the Ramey Defendants deny the allegations of Paragraph 58.

**ANSWER TO JURY TRIAL DEMAND**

59.

As to Paragraph 59, the Ramey Defendants deny the allegations of Paragraph 59.

**RAMEY DEFENDANTS' AFFIRMATIVE DEFENSES  
FIRST AFFIRMATIVE DEFENSE  
(Failure to State a Claim)**

60.

The Ramey Defendants repeat and reaffirm the admissions and denials pleaded in  
Paragraphs 1 through 59 of this Answer.

61.

Plaintiffs have failed to plead ultimate facts sufficient to state a claim upon which relief can  
be granted.



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1 RAMEY DEFENDANTS' COUNTERCLAIMS

2 FIRST COUNTERCLAIM

3 (Attorney Fees)

4 62.

5 The Ramey Defendants repeat and reaffirm the admissions and denials pleaded in  
6 Paragraphs 1 through 61 of this Answer.

7 63.

8 Defendants seek recovery from Plaintiffs, jointly and severally, of reasonable attorney fees  
9 and costs paid or incurred by Defendants in defending this action and bringing counterclaims,  
10 pursuant to *ORS 20.077* and *ORS 653.055*.

11 RAMEY DEFENDANTS' CROSSCLAIMS

12 AGAINST DEFENDANT JENNIFER PERTERSON

13 STATEMENT OF FACTS COMMON TO ALL CROSSCLAIMS

14 64.

15 Defendants Matthew Ramey and Jennifer Peterson had been domestic partners, and worked  
16 together to create a barbecue restaurant in Lake Oswego, Oregon, operated as Ribworks, LLC, doing  
17 business as Pined Ribs and Barbecue. In the beginning, in August, 2009, Ribworks, LLC was  
18 organized as a single member LLC solely owned by Mr. Ramey. In 2011 the name of Ribworks,  
19 LLC was changed to Barbecue Shed, LLC.

20 In the fall of 2017 Defendant Matthew Ramey began working to open a second location in  
21 Bingen, Washington. In preparation for the opening of the Bingen location, Mr. Ramey began  
22 working primarily at the Bingen location, while Ms. Peterson spent the majority of her time at the  
23 Lake Oswego location. The Bingen location opened in September, 2017. The Bingen location was  
24 created as Highway 14 Ribworks, LLC, which was solely owned by Mr. Ramey.



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1 During this time Defendant Jennifer Peterson repeatedly withdrew funds from both the Lake  
2 Oswego and Bingen operating accounts for her personal use without the authorization or approval of  
3 the Ramey Defendants.

4 On January 24, 2018 without the knowledge or consent of Mr. Ramey, Ms. Peterson filed  
5 an LLC Information Change with the Oregon Secretary of State, Corporations Division, listing  
6 herself as the only member of Barbecue Shed, LLC, and filed an express annual report with the  
7 Washington Secretary of State Corporations Division, listing herself as the only owner of Highway  
8 14 Ribworks, LLC.

9 Defendant Jennifer Peterson took control of the Lake Oswego operating accounts,  
10 unilaterally removing Defendant Matthew Ramey from the accounts.

11 Defendant Jennifer Peterson took control of the Lake Oswego location by changing the  
12 passwords to e-mail accounts, cloud based point of sale systems, and other such vendor accounts,  
13 payroll and accounting records and services, and by failing to provide Defendant Ramey with new  
14 passwords or access to the systems and information.

15 Defendant Jennifer Peterson took control of the physical location of the Lake Oswego  
16 restaurant by changing the locks and denying Defendant Matthew Ramey access to the property and  
17 restaurant facilities.

18 **RAMEY DEFENDANTS' FIRST CROSSCLAIMS**  
19 **AGAINST DEFENDANT JENNIFER PERTERSON**  
20 **(Conversion)**

21 65.

22 The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in  
23 Paragraphs 1 through 64 of this Answer.

24 66.

25 Defendant Jennifer Peterson wrongfully claimed ownership and control of the Lake Oswego  
26 barbecue restaurant and portions of the Bingen operations owned by Defendant Matthew Ramey.



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1 By so doing Defendant Jennifer Peterson exercised unlawful dominion and control over the  
2 property, which completely interfered with the Ramey Defendants' right to control it, so that  
3 Defendant Jennifer Peterson may justly be required to repay the full value of the property. This  
4 interference by Defendant Jennifer Peterson qualifies as, and is enforceable as, conversion.

5 **RAMEY DEFENDANTS' SECOND CROSSCLAIMS**  
6 **AGAINST DEFENDANT JENNIFER PERTERSON**  
7 **(Unjust Enrichment)**

8 67.

9 The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in  
10 Paragraphs 1 through 66 of this Answer.

11 68.

12 Defendant Jennifer Peterson has wrongfully obtained and retained money and property to  
13 which the Ramey Defendants are rightfully entitled, and Defendant Jennifer Peterson has been  
14 unjustly enriched and benefitted thereby, and equity and good conscience demand that the money  
15 and property of the Ramey Defendants be returned.

16 69.

17 The Ramey Defendants are entitled to recover in restitution the money and property  
18 unlawfully taken from them, in an amount to be proven at trial, in addition to pre- and post-  
19 judgment interest.

20 **RAMEY DEFENDANTS' THIRD CROSSCLAIMS**  
21 **AGAINST DEFENDANT JENNIFER PERTERSON**  
22 **(Money Had and Received)**

23 70.

24 The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in  
25 Paragraphs 1 through 69 of this Answer.



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1 71.

2 Defendant Jennifer Peterson has wrongfully failed to pay money to which the Ramey  
3 Defendants are rightfully entitled, and equity and good conscience demand that the money be  
4 returned by her to the Ramey Defendants be returned.

5 72.

6 The Ramey Defendants are entitled recover the money property unlawfully withheld from  
7 them, in an amount to be proven at trial, in addition to pre- and post-judgment interest.

8 **RAMEY DEFENDANTS' FOURTH CROSSCLAIMS**

9 **AGAINST DEFENDANT JENNIFER PERTERSON**

10 **(Accounting)**

11 73.

12 The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in  
13 Paragraphs 1 through 72 of this Answer.

14 74.

15 By wrongfully obtaining and retaining money and property to which the Ramey Defendants  
16 are rightfully entitled, Defendant Jennifer Peterson became the bailor, fiduciary, and trustee of the  
17 money and property, holding them in trust for the proper recipients. As such, Defendant Jennifer  
18 Peterson owes the Ramey Defendants a duty to render an account in detail showing the items taken  
19 in and expended, when, to whom, and for what purpose, and that the account rendered and  
20 expenditures claimed were correct, just and necessary.

21 75.

22 The Ramey Defendants are entitled to a full accounting of the money and property  
23 unlawfully withheld from them, and to an equitable award of any amounts to which such  
24 accounting demonstrates that they are entitled.



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The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in Paragraphs 1 through 75 of this Answer.

At all material times the Ramey Defendants held a leasehold interest in the real property which served as the Lake Oswego restaurant location. Defendant Jennifer Peterson ousted the Ramey Defendants from the real property and trespassed upon the property by wrongfully exercising dominion and control of the real property to the exclusion of the Ramey Defendants.

The Ramey Defendants are entitled to an award of ejection against Defendant Jennifer Peterson, as well as damages resulting from this wrongful trespass, in an amount to be determined at trial.

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The Ramey Defendants repeat and reaffirm the admissions, denials and facts pleaded in Paragraphs 1 through 78 of this Answer.

At all material times the Ramey Defendants had business relationships with their vendors, employees and customers. When Defendant Jennifer Peterson intentionally ousted the Ramey Defendants from ownership and control of the Lake Oswego restaurant and the real property, money and property associated with the Lake Oswego restaurant, she interfered with the Ramey



Page 14 of 19

ANSWER, AFFIRMATIVE DEFENSES, COUNTERCLAIMS, AND CROSS CLAIMS

Defendants ownership of the Lake Oswego restaurant in a tortious manner which proximately caused economic and noneconomic damages to the Ramey Defendants.

81.

The Ramey Defendants are entitled to an award of economic and noneconomic damages, as well as pre-judgment interest, in an amount to be determined at trial.

#### PRAYER FOR RELIEF

WHEREFORE, Defendants pray for judgment as follows:

1. On Plaintiffs' first cause of action (FLSA Minimum Wage)
  - a. That the court dismiss the claim with prejudice;
  - b. For Defendants' costs and disbursements incurred herein; and
  - c. All other relief the court deems just and equitable.
2. On Plaintiffs' second cause of action (FLSA Overtime)
  - a. That the court dismiss the claim with prejudice;
  - b. For Defendants' costs and disbursements incurred herein; and
  - c. All other relief the court deems just and equitable.
3. On Plaintiffs' third cause of action (FLSA Tip Theft)
  - a. That the court dismiss the claim with prejudice;
  - b. For Defendants' costs and disbursements incurred herein; and
  - c. All other relief the court deems just and equitable.
4. On Plaintiffs' fourth cause of action (Oregon Minimum Wage)
  - a. That the court dismiss the claim with prejudice;
  - b. For Defendants' costs and disbursements incurred herein; and
  - c. All other relief the court deems just and equitable.
5. On Plaintiffs' fifth cause of action (Oregon Overtime)
  - a. That the court dismiss the claim with prejudice;
  - b. For Defendants' costs and disbursements incurred herein; and



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- 1 c. All other relief the court deems just and equitable.
- 2 6. On Plaintiffs' sixth cause of action (Wrongful Deductions)
- 3 a. That the court dismiss the claim with prejudice;
- 4 b. For Defendants' costs and disbursements incurred herein; and
- 5 c. All other relief the court deems just and equitable.
- 6 7. On Plaintiffs' seventh cause of action (Unpaid Wages Upon Termination)
- 7 a. That the court dismiss the claim with prejudice;
- 8 b. For Defendants' costs and disbursements incurred herein; and
- 9 c. All other relief the court deems just and equitable.
- 10 8. On Plaintiffs' eighth cause of action (Unpaid Wages)
- 11 a. That the court dismiss the claim with prejudice;
- 12 b. For Defendants' costs and disbursements incurred herein; and
- 13 c. All other relief the court deems just and equitable.
- 14 9. On Plaintiffs' ninth cause of action (Conversion)
- 15 a. That the court dismiss the claim with prejudice;
- 16 b. For Defendants' costs and disbursements incurred herein; and
- 17 c. All other relief the court deems just and equitable.
- 18 10. On Plaintiffs' tenth cause of action (Breach of Contract)
- 19 a. That the court dismiss the claim with prejudice;
- 20 b. For Defendants' costs and disbursements incurred herein; and
- 21 c. All other relief the court deems just and equitable.
- 22 11. On Plaintiffs' eleventh cause of action (Tortious Breach of Duty of Good Faith and
- 23 Fair Dealing)
- 24 a. That the court dismiss the claim with prejudice;
- 25 b. For Defendants' costs and disbursements incurred herein; and
- 26 c. All other relief the court deems just and equitable.



- 1 12. On Plaintiffs' twelfth cause of action (Unjust Enrichment)
- 2 a. That the court dismiss the claim with prejudice;
- 3 b. For Defendants' costs and disbursements incurred herein; and
- 4 c. All other relief the court deems just and equitable.
- 5 13. On Plaintiffs' thirteenth cause of action (Money Had and Received)
- 6 a. That the court dismiss the claim with prejudice;
- 7 b. For Defendants' costs and disbursements incurred herein; and
- 8 c. All other relief the court deems just and equitable.
- 9 14. On Plaintiffs' fourteenth cause of action (Accounting)
- 10 a. That the court dismiss the claim with prejudice;
- 11 b. For Defendants' costs and disbursements incurred herein; and
- 12 c. All other relief the court deems just and equitable.
- 13 15. On Plaintiffs' fifteenth cause of action (Declaratory Judgment)
- 14 a. That the court dismiss the claim with prejudice;
- 15 b. For Defendants' costs and disbursements incurred herein; and
- 16 c. All other relief the court deems just and equitable.
- 17 16. On Plaintiffs' sixteenth cause of action (Doing Business Under an Unregistered
- 18 Name)
- 19 a. That the court dismiss the claim with prejudice;
- 20 b. For Defendants' costs and disbursements incurred herein; and
- 21 c. All other relief the court deems just and equitable.
- 22 17. On the Ramey Defendants' first counterclaim (Attorney Fees)
- 23 a. For damages to be determined at trial;
- 24 b. For the balance of Defendants' costs and disbursements incurred herein; and
- 25 c. All other relief the court deems just and equitable.
- 26



- 1           18.    On the Ramey Defendants' First Crossclaim against Defendant Jennifer Peterson  
2                   (Conversion)  
3               a.       For damages in amounts to be determined at trial but not less than  
4                       \$10,000.00;  
5               b.       for Defendants' costs and disbursements incurred herein; and  
6               c.       All other relief the court deems just and equitable.  
7           19.    On the Ramey Defendants' Second Crossclaim against Defendant Jennifer Peterson  
8                   (Unjust Enrichment)  
9               a.       For damages in amounts to be determined at trial but not less than  
10                       \$10,000.00;  
11              b.       for Defendants' costs and disbursements incurred herein; and  
12              c.       All other relief the court deems just and equitable.  
13           20.    On the Ramey Defendants' Third Crossclaim against Defendant Jennifer Peterson  
14                   (Money Had and Received)  
15              a.       For damages in amounts to be determined at trial but not less than  
16                       \$10,000.00;  
17              c.       for Defendants' costs and disbursements incurred herein; and  
18              d.       All other relief the court deems just and equitable.  
19           21.    On the Ramey Defendants' Fourth Crossclaim against Defendant Jennifer Peterson  
20                   (Accounting)  
21              a.       For an accounting in detail showing the items taken in and expended, when,  
22                       to whom, and for what purpose, and that the account rendered and  
23                       expenditures claimed were correct, just and necessary.  
24              b.       For damages in amounts to be determined at trial but not less than  
25                       \$10,000.00;  
26              c.       for Defendants' costs and disbursements incurred herein; and



- 1 d. All other relief the court deems just and equitable.
- 2 22. On the Ramey Defendants' Fifth Crossclaim against Defendant Jennifer Peterson
- 3 (Trespass and Ejectment)
- 4 a. For damages in amounts to be determined at trial but not less than
- 5 \$10,000.00;
- 6 b. for Defendants' costs and disbursements incurred herein; and
- 7 c. All other relief the court deems just and equitable.
- 8 23. On the Ramey Defendants' Sixth Crossclaim against Defendant Jennifer Peterson
- 9 (Tortious Interference with a Business Relationship)
- 10 a. For damages in amounts to be determined at trial but not less than
- 11 \$10,000.00;
- 12 b. for Defendants' costs and disbursements incurred herein; and
- 13 c. All other relief the court deems just and equitable.
- 14

15 DATED this 22<sup>nd</sup> day of AUGUST, 2018

16 GUYER LAW

17   
18 P  
19 GEORGE GUYER, OSB No. 972765  
Attorney for Ramey Defendants

20 **RAMEY DEFENDANTS:**

21  
22 MATTHEW RAMEY, BARBECUE SHED,  
23 LLC, RIBWORKS, LLC, HIGHWAY 14  
24 RIBWORKS, LLC and WASHINGTON  
25 RIBWORKS, LLC  
26 17730 Pilkington Road  
Lake Oswego, Oregon 97035  
(503) 635-7427

**ATTORNEY FOR DEFENDANTS:**

GEORGE H. GUYER, ATTORNEY OSB  
No. 972765  
GUYER LAW  
The Waterstone Building  
5895 Jean Road  
Lake Oswego, Oregon 97035  
503.697.1035 phone  
503.697.1045 fax  
*george@guyer.law*



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**LAW**

The Waterstone Building  
5895 Jean Road • Lake Oswego, Oregon 97035-5303  
503.697.1035 phone • 503.697.1045 fax • [www.guyer.law](http://www.guyer.law)



CERTIFICATE OF SERVICE

I hereby certify that I served ANSWER, AFFIRMATIVE DEFENSES,  
COUNTERCLAIMS, AND CROSS CLAIMS on:

Jon M. Egan  
Jon M. Egan, P.C.  
547 Fifth Street  
Lake Oswego, Oregon 97034-3009  
*info@eganlegalteam.com*  
attorney for Plaintiffs

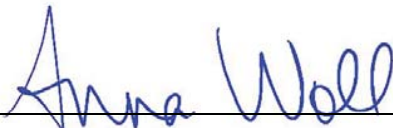
X By mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to each person shown above, at the last-known office address of the person, and deposited with the United States Postal Service at Lake Oswego, Oregon, with postage thereon fully prepaid, on the date set forth below.

X By emailing a full, true, and correct copy thereof to said attorneys at their last known working business email address, as shown above, on the date set forth below.

\_\_\_\_\_ By facsimile transmission to each person shown above, a full, true, and correct copy thereof at their last known facsimile numbers, as shown above, on the date set forth below.

\_\_\_\_\_ By hand delivering to each person shown above, a full, true, and correct copy thereof to his address shown above, on the date set forth below.

DATED: AUGUST 22, 2018.

  
ANNA P. WOLL, PARALEGAL  
FOR GEORGE H. GUYER, ATTORNEY  
OSB 972765



**GUYER**  
**LAW**

The Waterstone Building  
5895 Jean Road • Lake Oswego, Oregon 97035-5303  
503.697.1035 phone • 503.697.1045 fax • [www.guyer.law](http://www.guyer.law)

I hereby certify that I served the foregoing **NOTICE OF REMOVAL UNDER 28 U.S.C.**

**§ 1441(a) (FEDERAL QUESTION)** on:

Jon M. Egan, PC  
547 Fifth Street  
Lake Oswego, OR 97034  
P: 503-697-3427  
F: 866-311-5629  
[jegan@eganlegalteam.com](mailto:jegan@eganlegalteam.com)  
Of Attorneys for Plaintiffs

George Guyer  
Guyer Law  
The Waterstone Building  
5895 Jean Rd.  
Lake Oswego, OR 97035  
[george@guyer.law](mailto:george@guyer.law)  
Of Attorneys for Defendants Matthew Ramey, Barbecue Shed,  
LLC, Ribworks, LLC, Highway 14 Ribworks, LLC, and  
Washington Ribworks, LLC

by the following indicated method or methods on the date set forth below:

- ☐ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5-11, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☒ **First-class mail, postage prepaid, and e-mail**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 11<sup>th</sup> day of September 2018.

**HARRIS BERNE CHRISTENSEN LLP**

By: s/ Craig R. Berne  
Craig R. Berne, OSB #874202  
[craig@hbclawyers.com](mailto:craig@hbclawyers.com)  
Shawn M. Lindsay, OSB #020695  
[shawn@hbclawyers.com](mailto:shawn@hbclawyers.com)  
Of Attorneys for Defendant Jennifer Peterson